

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ISMAEL BARRON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C05-363RSM
(CR90-323RSM)

ORDER DENYING PETITIONER'S
PETITION FOR WRIT OF ERROR
AUDITA QUERLA

The Court, having reviewed petitioner's petition for writ of error *audita querla*, the Report and Recommendation of Judge Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for writ of error *audita querla* (Dkt. No. 1) is DENIED and this action is DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to the United States Attorney, and to Judge Benton.

DATED this __10__ day of January 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER DENYING PETITIONER'S
PETITION FOR WRIT OF ERROR
AUDITA QUERLA - 1